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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,112

05/16/2005

Jeffrey Allen Cooper

PU020467

3624

24498

7590

07/28/2009

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EXAMINER

PE, GEEPY

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,112	COOPER, JEFFREY ALLEN	
	Examiner	Art Unit	
	Geepy Pe	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/16/05, 6/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of **Group II** (claims 5-14; with newly added claim 15) in the reply filed on 6/22/09 is acknowledged.
2. Claims 1-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/22/09.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **5-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Krunz et al. ("Impact of video scheduling on bandwidth allocation for multiplexed MPEG streams"; already of record; hereinafter Krunz).

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Re. **claim 5**, Krunz teaches that in a video transmission system in which video segments are encoded into a plurality of frame types, a method for arranging frame transmission alignment among a plurality of channels concurrently transmitted via a common transmission medium, comprising: identifying a specified frame type in each of said plurality of channels (Krunz: pg. 348, right col., lines 12-13); and causing ones of said specified frame type to be arranged so as to avoid temporal alignment with other ones of said specified frame type in corresponding other ones of said plurality of channels (Krunz: pg. 350, left col., section 4.1, lines 3-5).

Re. **claim 6**, Krunz teaches that said ones of said specified frame type and other ones of said specified frame type are temporally displaced, relative to one another (Krunz: pg. 350, left col., section 4.1, lines 3-5).

Re. **claim 7**, Krunz teaches that said specified frame type in successive ones of said plurality of channels are displaced by one frame position relative to a location of said frame type in a preceding channel (Krunz: pg. 350, left col., section 4.1, lines 3-5).

Re. **claim 8**, Krunz teaches that said video segments include a fixed number of frame positions and said fixed number of frame positions is an integer multiple of the number of said plurality of channels (Krunz: pg. 350, left col., section 4.1, lines 3-5; pg. 348, right col., section 2, lines 41-43).

Re. **claim 9**, Krunz teaches that each of said plurality of channels is synchronized to a common frame rate and phase (Krunz: pg. 350, left col., section 4.2, lines 11-12 & 15-19).

Re. **claim 10**, Krunz teaches that said plurality of frame types include a high priority frame type and a low priority frame type (Krunz: pg. 348, right col., section 2, lines 3-5).

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Re. **claim 11**, Krunz teaches that said plurality of frame types include at least one intermediate priority frame type (Krunz: pg. 348, right col., section 2, lines 3-5).

Re. **claim 12**, Krunz teaches that said video segments are encoded using an MPEG coding methodology and further wherein said high, intermediate and low priority frame types correspond respectively to MPEG Intra-coded, Predictive, and Bi-directionally Predictive frames (Krunz: pg. 348, right col., section 2, lines 3-5).

Re. **claim 13**, Krunz teaches that ones of said low priority frame type are optionally dropped to reduce required transmission bandwidth (Krunz: pg. 347, right col., lines 9-13 & 21-34: i.e., bit-rate allocation would cause a dropping of frames, including low priority frames).

Re. **claim 14**, Krunz teaches that said video segments are encoded using an MPEG coding methodology and correspond to an MPEG Group of Pictures (Krunz: pg. 348, right col., section 2, lines 3-5 & 11-13).

Re. **claim 15**, the claim(s) recites analogous limitations to claim(s) 1 above, and is/are therefore rejected on the same premise.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geepy Pe whose telephone number is (571)-270-3703. The examiner can normally be reached on Monday - Friday, 7:00AM - 3:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. P./

/Geepy Pe/

Examiner, Art Unit 2621

/Andy S. Rao/

Primary Examiner, Art Unit 2621

July 26, 2009